Remarks/Arguments

The Rejection of Claims 1, 4, 5, 7, 8, 18 and 19 Under 35 USC §103(a)

In the Office Action of February 9, 2006, Claims 1, 4, 5, 7, 8, 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,072,590 (Burrows) in view of U.S. Patent No. 5,486,285 (Freeney) or U.S. Patent No. 5,139,666 (Charbonneau). Applicant respectfully traverses this rejection and requests reconsideration.

Claims 1, 4, 5, 7 and 17

Applicant courteously points out that Claim 1 has been amended to recite that the filter is disposed inside the upper reservoir. This feature is not taught or suggested by any of the cited references.

The combination of Burrows and Freeney (or Charbonneau) fails to teach or suggest a beverage dispenser with a heating /cooling element

Applicant respectfully submits that the combination of Burrows and Freeney/Charbonneau fails to teach or suggests every limitation recited in Claim 1. Particularly, the combination fails to disclose a beverage dispenser with a heating/cooling element.

Burrows discloses a **bottled water chilling system** with a water bottle that is pre-filled. Typically, this type of system uses bottled water that has been filtered or purified before it was bottled. (See Col. 1, Lines 10-15). An open lower reservoir, positioned below the attached bottled water container, receives the contents of the bottle as the lower reservoir is emptied. Burrows does disclose the use of a chilling system equipped on the dispensing system, but there is no mention or suggestion of a heating system on the system taught by Burrows. This is further emphasized by passages in the specification that address overchilling of the water, but fail to have a single reference relating to the heating of the bottled water.

Freeney and Charbonneau also fail to teach or suggest a heating/cooling element in either dispenser shown in those references. Freeney is a bottled water dispenser that teaches a filter system with a special air inlet valve. Nothing in Freeney teaches or suggests the implementation of a heating /cooling element in a dual reservoir beverage dispensing system.

Charbonneau teaches a water dispenser with a bottle with an attached filtration unit. Charbonneau goes into detail about filter and the placement of the filter, but nothing is taught or suggested relating to a heating/cooling element.

Therefore, the limitation in Claim 1, reciting at least one heating/cooling element operatively arranged to heat/cool said liquid is not taught or suggested by the combination of Burrows and Freeney/Charbonneau, and a *prima facie* case of obviousness for Claim 1, and all claims dependent therefrom, has not been established.

The combination of Burrows and Freeney (or Charbonneau) fails to teach or suggest a beverage dispenser with a heating/cooling element in the lower reservoir

Applicant respectfully submits that the combination of Burrows and Freeney/Charbonneau fails to teach or suggests every limitation recited in Claim 1. Particularly, the combination fails to disclose a beverage dispenser with a heating/cooling element in the lower reservoir.

As explained above, Burrows discloses a **bottled water chilling system** with a water bottle and a chilling system, but **no heating element.** Burrows does disclose the use of a chilling system 16 equipped on the dispensing system, but there is no mention or suggestion of a heating system on the system taught by Burrows. Therefore, Burrows can not teach a heating/cooling element placed inside a lower reservoir. Assuming that Burrows teaches a lower reservoir, it does not teach the placement of a cooling/heating element in the lower reservoir.

Furthermore, the chilling system taught by Burrows is not disposed inside the lower reservoir. The chilling system in Burrows is mounted on the bottom of the lower reservoir, **not** inside the reservoir. (See Figure 2; see also Col. 3, lines 25-55). Assuming *arguendo* that Burrows had a heating/cooling element, which it most certainly does not, the placement of the element would be outside the lower reservoir. This positioning is completely opposite to the structural positioning of the cooling/heating element recited in Claim 1, which is inside the lower reservoir.

Freeney and Charbonneau also fail to teach or suggest a heating/cooling element, particularly a heating/cooling element positioned inside a lower reservoir. Freeney is a bottled water dispenser that teaches a filter system with a special air inlet valve. Nothing in Freeney teaches or suggests the implementation of a heating/cooling element in a lower reservoir of a dual reservoir beverage dispensing system.

Charbonneau teaches a water dispenser with a bottle with an attached filtration unit. Charbonneau goes into detail about the filter and the placement of the filter, but nothing taught or suggested relates to a heating/cooling element in a lower reservoir.

Therefore, the limitation in Claim 1, reciting "at least one heating/cooling element **in said at least one lower reservoir** and operatively arranged to heat/cool said liquid in said lower reservoir" is not taught or suggested by the combination of Burrows and Freeney/Charbonneau, and a *prima facie* case of obviousness for Claim 1, and all claims dependent therefrom, has not been established.

The combination of Burrows and Freeney (or Charbonneau) fails to teach or suggest a beverage dispenser with a filter operatively arranged between the upper and lower reservoir, wherein said filter is disposed within said upper reservoir

Applicant respectfully submits that the combination of Burrows and Freeney/Charbonneau fails to teach or suggests every limitation recited in Claim 1. Particularly, the combination fails to disclose a beverage dispenser with a filter element that is disposed inside an upper reservoir.

Burrows does not teach or suggest the implementation of a filter element whatsoever, particularly a filter disposed inside an upper reservoir.

Freeney and Charbonneau also fail to teach or suggest a filter element disposed inside the upper reservoir in either dispenser shown in those references. Freeney is a bottled water dispenser that teaches a filter system with a special air inlet valve. The filter in Freeney is attached to the bottom of the upper bottle, but the majority of the filter is disposed in the lower reservoir. The filter recited in Claim 1 is disposed inside the upper reservoir. Nothing in Freeney

teaches or suggests the implementation of a filter element in an upper reservoir of a dual reservoir beverage dispensing system.

Charbonneau teaches a water dispenser with a bottle with an attached filtration unit. The filter in Charbonneau is attached to the base of the upper bottle, but the filter is mainly in the lower reservoir. Charbonneau goes into detail about the filter and the placement of the filter, but nothing is taught or suggested relating to a filter element being disposed in an upper reservoir. Claim 1 particularly recites that although the filter is operatively arranged to be removably disposed between the upper and lower reservoir – **the filter is disposed inside the upper reservoir**.

Therefore, the limitation in Claim 1, reciting a **filter disposed inside the upper reservoir** is not taught or suggested by the combination of Burrows and Freeney/Charbonneau, and a *prima facie* case of obviousness for Claim 1, and all claims dependent therefrom, has not been established.

Applicant submits that for all of the above reasons independent Claim 1 is patentable, and thus respectfully request reconsideration and withdrawal of the rejection.

Claims 4, 5, 7 and 17 depend from Claim 1 either directly or indirectly, and thus incorporate all the limitations of Claim 1 and are likewise patentable over the combination of Burrows and Freeney/Charbonneau. Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 1, 4, 5, 7 and 17, and passage to allowance of those claims.

Claim 8

The combination of Burrows and Freeney (or Charbonneau) fails to teach or suggest a beverage dispenser with a heating /cooling element

Applicant submits that the combination of Burrows and Freeney/Charbonneau fails to teach or suggests every limitation recited in Claim 8. Particularly, the combination fails to disclose a beverage dispenser with a heating/cooling element.

Burrows discloses a **bottled water chilling system** with a water bottle that is pre-filled. Typically, this type of system uses bottled water that has been filtered or purified before it was

bottled. (See Col. 1, Lines 10-15). An open lower reservoir, positioned below the attached bottled water container, receives the contents of the bottle as the lower reservoir is emptied. Burrows does disclose the use of a chilling system 16 equipped on the dispensing system, but there is no mention or suggestion of a heating system on the system taught by Burrows. This is further emphasized by passages in the specification that address overchilling of the water, but fail to have a single reference relating to the heating of the bottled water.

Freeney and Charbonneau also fail to teach or suggest a heating/cooling element in either dispenser shown in those references. Freeney is a bottled water dispenser that teaches a filter system with a special air inlet valve. Nothing in Freeney teaches or suggests the implementation of a heating /cooling element in a dual reservoir beverage dispensing system.

Charbonneau teaches a water dispenser with a bottle with an attached filtration unit. Charbonneau goes into detail about filter and the placement of the filter, but nothing is taught or suggested relating to a heating/cooling element.

Therefore, the limitation in Claim 8, reciting at least one heating/cooling element operatively arranged to heat/cool said liquid is not taught or suggested by the combination of Burrows and Freeney/Charbonneau, and a *prima facie* case of obviousness for Claim 8, and Claim 16 dependent therefrom, has not been established.

The combination of Burrows and Freeney (or Charbonneau) fails to teach or suggest a beverage dispenser with a heating/cooling element in the lower reservoir

Applicant respectfully submits that the combination of Burrows and Freeney/Charbonneau fails to teach or suggests every limitation recited in Claim 8. Particularly, the combination fails to disclose a beverage dispenser with a heating/cooling element in the lower reservoir.

As explained above, Burrows discloses a **bottled water chilling system** with a water bottle that a chilling system, but no heating element. Burrows does disclose the use of a chilling system 16 equipped on the dispensing system, but there is no mention or suggestion of a heating system on the system taught by Burrows. Therefore, Burrows can not teach a heating/cooling

element placed inside a lower reservoir. Assuming that Burrows teaches a lower reservoir, it does not teach the placement of a cooling or heating element in the lower reservoir.

Furthermore, the chilling system taught by Burrows is not disposed inside the lower reservoir. The chilling system in Burrows is mounted on the bottom of the lower reservoir, **not** inside the reservoir. (See Figure 2; see also Col. 3, lines 25-55). Assuming *arguendo* that Burrows had a heating/cooling element, which it most certainly does not, the placement of the element would be outside the lower reservoir. This positioning is completely opposite to the structural positioning of the cooling/heating element recited in Claim 1, which is inside the lower reservoir.

Freeney and Charbonneau also fail to teach or suggest a heating/cooling element positioned inside a lower reservoir in either dispenser shown in those references. Freeney is a bottled water dispenser that teaches a filter system with a special air inlet valve. Nothing in Freeney teaches or suggests the implementation of a heating /cooling element in a lower reservoir of a dual reservoir beverage dispensing system.

Charbonneau teaches a water dispenser with a bottle with an attached filtration unit. Charbonneau goes into detail about the filter and the placement of the filter, but nothing is taught or suggested relating to a heating/cooling element in a lower reservoir.

Therefore, the limitation in Claim 8, reciting "at least one heating/cooling element **in said at least one lower reservoir** and operatively arranged to heat/cool said liquid in said lower reservoir" is not taught or suggested by the combination of Burrows and Freeney/Charbonneau, and a *prima facie* case of obviousness for Claim 8, and Claim 16 dependent therefrom, has not been established.

Claims 18 and 19

Claim 18 now recites that the upper reservoir is operatively arranged to be manually filled with liquid and it has a removable lid covering the upper reservoir. These structural features are not taught or suggested by the combination of Burrows and Freeney/Charbonneau.

Burrows discloses a bottled water dispenser that has an upper bottle that is not suited for manually filling. Also, the element that has been equated to be the upper reservoir of Claim 18 is a bottle without a lid covering the upper reservoir. Burrows fails to teach or suggest an upper reservoir that can be manually filled and that has an lid covering the upper reservoir.

Freeney and Charbonneau both disclose similar dispenser designs as taught and suggested by Burrows, in which an upper bottle is positioned on top of the dispenser in an inverted fashion. This positioning allows the upper bottle to drain. The bottles in Freeney, Charbonneau, Burrows are completely enclosed and are not suited to be manually filled. More importantly, the enclosed bottles of the cited references have no lid and require no lid. This structural feature of a lid covering the upper reservoir is important since this feature enables a user to add tap water to the dispenser quickly and easily and still prevent dust and debris from getting in the reservoir. The lid also enables easy access to the filter to change it when it is spent without removing the upper reservoir.

Therefore, the all the limitations of Claim 18 are not taught or suggested by the combination of Burrows and Freeney/Charbonneau and a *prima facie* case of obviousness has not been established for Claim 18. Thus, Claim 18 is patentable and Claim 19, dependent on Claim 18, is also patentable for the reasons cited above.

The Rejection of Claims 1, 4, 5, 7, 8 and 16-19 Under 35 USC §103(a)

Claims 1, 4, 5, 7, 8 and 16-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,072,590 (Burrows) in view of U.S. Patent No. 5,536,396 (Mudra et al.). Applicant respectfully traverses this rejection and requests reconsideration.

Claims 1, 4, 5, 7 and 17

Applicant courteously points out that Claim 1 has been amended to recite that the filter is disposed inside the upper reservoir. This feature is not taught or suggested by any of the cited references.

The combination of Burrows and Mudra et al. fails to teach or suggest a beverage dispenser with a heating /cooling element

Applicant respectfully submits that the combination of Burrows and Mudra et al. fails to teach or suggests every limitation recited in Claim 1. Particularly, the combination fails to disclose a beverage dispenser with a heating/cooling element.

Burrows discloses a **bottled water chilling system** with a water bottle that is pre-filled. Typically, this type of system uses bottled water that has been filtered or purified before it was bottled. (See Col. 1, Lines 10-15). An open lower reservoir, positioned below the attached bottled water container, receives the contents of the bottle as the lower reservoir is emptied. Burrows does disclose the use of a chilling system 16 equipped on the dispensing system, but there is no mention or suggestion of a heating system on the system taught by Burrows. This is further emphasized by passages in the specification that address overchilling of the water, but fail to have a single reference relating to the heating of the bottled water.

Mudra et al. also fails to teach or suggest a heating/cooling element. Mudra et al. is a water filtration kit that teaches a filter system that rests inside a container ("lower reservoir"). Nothing in Mudra et al. teaches or suggests the implementation of a heating /cooling element in a dual reservoir beverage dispensing system.

Therefore, the limitation in Claim 1, reciting at least one heating/cooling element operatively arranged to heat/cool said liquid is not taught or suggested by the combination of Burrows and Mudra et al., and a *prima facie* case of obviousness for Claim 1, and all claims dependent therefrom, has not been established.

The combination of Burrows and Mudra et al. fails to teach or suggest a beverage dispenser with a heating/cooling element in the lower reservoir

Applicant respectfully submits that the combination of Burrows and Mudra et al. fails to teach or suggests every limitation recited in Claim 1. Particularly, the combination fails to disclose a beverage dispenser with a heating/cooling element in the lower reservoir.

As explained above, Burrows discloses a **bottled water chilling system** with a water bottle that a chilling system, but no heating element. Burrows does disclose the use of a chilling system 16 equipped on the dispensing system, but there is no mention or suggestion of a heating system on the system taught by Burrows. Therefore, Burrows can not teach a heating/cooling element placed inside a lower reservoir. Assuming that Burrows teaches a lower reservoir, it does not teach the placement of a cooling/heating element in the lower reservoir.

Furthermore, the chilling system taught by Burrows is not disposed inside the lower reservoir. The chilling system in Burrows is mounted on the bottom of the lower reservoir, **not** inside the reservoir. (See Figure 2; see also Col. 3, lines 25-55). Assuming *arguendo* that Burrows had a heating/cooling element, which it most certainly does not, the placement of the element would be outside the lower reservoir. This positioning is completely opposite to the structural positioning of the cooling/heating element recited in Claim 1, which is inside the lower reservoir.

Mudra et al. also fail to teach or suggest a heating/cooling element positioned inside a lower reservoir. Mudra et al. is a water filtration system that teaches a filter system resting inside a container ("lower reservoir"). Nothing in Mudra et al. teaches or suggests the implementation of a heating /cooling element in a lower reservoir of a dual reservoir beverage dispensing system.

Therefore, the limitation in Claim 1, reciting "at least one heating/cooling element **in said at least one lower reservoir** and operatively arranged to heat/cool said liquid in said lower reservoir" is not taught or suggested by the combination of Burrows and Mudra et al., and a *prima facie* case of obviousness for Claim 1, and all claims dependent therefrom, has not been established.

The combination of Burrows and Mudra et al. fails to teach or suggest a beverage dispenser with a filter operatively arranged between the upper and lower reservoir, wherein said filter is disposed within said upper reservoir

Applicant respectfully submits that the combination of Burrows and Mudra et al. fails to teach or suggests every limitation recited in Claim 1. Particularly, the combination fails to disclose a beverage dispenser with a filter element that is disposed inside an upper reservoir.

Burrows does not teach or suggest the implementation of a filter element whatsoever, let alone a filter disposed inside an upper reservoir.

Mudra et al. also fail to teach or suggest a filter element disposed inside an upper reservoir in either dispenser shown in those references. Mudra et al. is a water filtration system that teaches a filter system that rest inside a container ("lower reservoir"). The filter in Mudra et al. is attached to the container with the majority of the filter inside the container ("lower reservoir")(See Figure 3 and 7). The filter recited in Claim 1 is disposed inside the upper reservoir. Nothing in Mudra et al. teaches or suggests the implementation of a filter element in an upper reservoir of a dual reservoir beverage dispensing system.

Therefore, the limitation in Claim 1, reciting a **filter disposed inside the upper reservoir** is not taught or suggested by the combination of Burrows and Mudra et al., and a *prima facie* case of obviousness for Claim 1, and all claims dependent therefrom, has not been established.

Applicant submits that for all of the above reasons independent Claim 1 is patentable, and thus respectfully requests reconsideration and withdrawal of the rejection.

For all those reasons, Claim 1 is patentable over the combination of Burrows and Mudra et al. Claims 4, 5, 7, and 17 are dependent on Claim 1, and thus by their dependency, adopt all the claim limitations recited in Claim 1. Therefore, Claims 4, 5, 7 and 17 are also patentable over the combination of Burrows and Mudra et al. and Applicant respectfully requests withdrawal of the rejection of those claims.

Claim 8 and 16

The combination of Burrows and Mudra et al. fails to teach or suggest a beverage dispenser with a heating /cooling element

Applicant respectfully submits that the combination of Burrows and Mudra et al. fails to teach or suggests every limitation recited in Claim 8. Particularly, the combination fails to disclose a beverage dispenser with a heating/cooling element. Please see the arguments above related to the lack of this element in the combination of Burrows and Mudra et al.

The combination of Burrows and Mudra et al. fails to teach or suggest a beverage dispenser with a heating/cooling element in the lower reservoir

Applicant respectfully submits that the combination of Burrows and Mudra et al. fails to teach or suggests every limitation recited in Claim 8. Particularly, the combination fails to disclose a beverage dispenser with a heating/cooling element in the lower reservoir. Please see the arguments above related to the lack of this element in the combination of Burrows and Mudra et al.

Therefore, all the limitations or Claim 8, and Claim 16 dependent therefrom, have not been taught or suggested by the combination of Burrows and Mudra et al., and a *prima facie* of obviousness of those claims has not been established.

Claims 18 and 19

Claim 18 now recites that the upper reservoir is operatively arranged to be manually filled with liquid and a removable lid covers the upper reservoir. These structural features are not taught or suggested by the combination of Burrows and Mudra et al.

Burrows discloses a bottled water dispenser that has an upper bottle that is not suited for manually filling. Also, the element that has been equated to be the upper reservoir of Claim 18 is a bottle without a lid covering the upper reservoir. The upper bottle in Burrows is completely enclosed and are not suited to be manually filled. Burrows also has no lid and requires no lid for the upper bottle. Burrows fails to teach or suggest an upper reservoir that can be manually filled and that has an lid covering the upper reservoir.

Mudra et al. discloses a water filtration kit with a basin positioned over a container with a filter inside the container. The upper basin in Mudra et al. is open and could be manually filled, but more importantly, the upper basin of Mudra et al. has no lid and requires no lid. This structural feature of a lid covering the upper reservoir is important since this feature enables a user to add tap water to the dispenser quickly and easily and still prevent dust and debris from getting in the reservoir. The lid also enables easy access to the filter to change it when it is spent without having to remove the upper reservoir.

Therefore, the all the limitations of Claim 18 are not taught or suggested by the combination of Burrows and Mudra et al. and a *prima facie* case of obviousness has not been established for Claim 18. Thus, Claim 18 is patentable and Claim 19, dependent on Claim 18, is also patentable for the reasons cited above.

The Rejection of Claims 1-14, 16 and 17 Under 35 USC §103(a)

Claims 1-14, 16 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,192,004 ('004 patent) in view of U.S. Patent No. 5,072,590 (Burrows), and in further view of U.S. Patent No. 5,536,396 (Mudra et al.). Applicant respectfully traverses this rejection and requests reconsideration.

Claims 1-7 and 17

Claim 1 recites that the filter is positioned inside the upper reservoir, and that a cooling/heating element is disposed in the lower reservoir. Both these elements are not taught or suggested by the combination cited.

The combination of the '004 patent, Burrows and Mudra et al. fails to teach or suggest a filter in an upper reservoir

The '004 patent and Burrows both fail to disclose a filter, in particular a filter inside an upper reservoir.

Mudra et al. does implement a filter inserted into a container ("lower reservoir") which has a basin placed on top of the container, but the structure of the filter is not the same as the structural recited in Claim 1. Claim 1 explicitly recites the filter inside the upper reservoir, not

partly in the lower reservoir and partly in the upper reservoir as taught by Mudra et al. While it is true the claim recites that the filter is operatively arranged to be removably disposed between the upper reservoir and lower reservoir, the claim explicitly requires the filter to be disposed in the upper reservoir. This arrangement is patentably different from the cited references for the obvious structural differences. Also, this is not obvious because this arrangement facilitates the changing of the filter when the filter is spent. A spent filter is one that no longer can filter water, and spent filters will prevent water flow through the filter. Thus, arranging the filter in the upper reservoir makes the change of the filter possible without removing the upper reservoir.

For all those reasons, the combination of the '004 patent, Burrows and Mudra et al. fails to teach or suggest a filter in an upper reservoir of a beverage dispenser. Therefore, a *prima facie* case of obvious of Claim 1, and Claims 2-7 and 17 dependent therefrom, has not been established, and those claims are patentable.

The combination of the '004 patent, Burrows and Mudra et al. fails to teach or suggest a cooling/heating element in the lower reservoir

The '004 patent does discuss the implementation of a heating and a cooling element, but the location of the elements is different from that recited in Claim 1. Claim 1 recites the cooling/heating element is **disposed in the lower reservoir**. The '004 patent shows the heating element positioned outside the lower reservoir. However, Claim 1 specifically requires the cooling/heating element located in the lower reservoir, and the '004 patent does not teach a cooling/heating element is this arrangement. This structure is significant, since less space is required for a beverage dispenser with a cooling/heating element in the lower reservoir instead of in multiple stacked containers as taught by the '004 patent.

As was discussed thoroughly above Burrows and Mudra et al. also fail to teach the cooling/heating element recited in Claim 1. Applicant relies on the argument *supra* that bears this out.

Since Burrows, Mudra et al. fails to cure the defects of the '004 patent there is no teaching or suggestion of the cooling/heating element in the lower reservoir and a *prima facie* case of

obviousness has not been proven for Claim 1. Therefore, Claim 1, and Claims 2-7 and 17 dependent therefrom, are patentable.

The combination of the '004 patent, Burrows, and Mudra et al. was a result of improper hindsight reconstruction

Applicant submits the combination of '004 patent, Burrows, and Mudra et al. was improper because it was the result of the Examiner combining reference using improper hindsight reconstruction. Nothing makes this point more evident than the long felt need for the arrangement recited in Claim 1. Prior to Applicant's implementation of a filter element into a beverage dispenser that could heat or cool beverages there were dispensers that only filtered water or dispensers that only heat or chilled water. However, there was a long-felt and unsolved need for a unit that combined the two features of filtration and heating/cooling. It is significant to point out that the cited references Burrows, the '004 patent, Mudra et al., Freeney, Charbonneau and Hancock et al. where all known technologies for over ten years or more and there is not single reference that suggests the combination recited in Claim 1. The Examiner has used impermissible hindsight and used Applicant's disclosure as a road map to piece together several references that teach the elements of Claim 1. The difficulty or expertise needed to a combine known elements is not a factor that can be considered in deciding whether an invention is obviousness or not and it appears that Examiner has done just that.

Other than the long-felt need for a beverage dispenser that can filter, heat and cool the dispensed beverages, the combination recited in Claim 1 also goes against what is known in the art. Previous beverage dispensers that have a heating or cooling system all utilize bottled water, which has been filtered or purified before bottling, to avoid the problems that can occur in using non-filtered water. Non-filtered water can leave deposits, etc. especially when heated. The dispenser recited in Claim 1 does not used pre-filled water bottles, but uses a reservoir that can be manually filled.

Another striking difference is the placement of the filter entirely in the upper reservoir. All previous beverage dispensers have the filter mainly in the lower reservoir, and only associated

with the upper reservoir at the attachment point. The filter in the dispenser recited in Claim 1 is disposed in the upper reservoir, with no portion of the filter in the lower reservoir. This is a difference that goes against everything else in the art and the previous art teaches away from arranging the filter in the upper reservoir.

Therefore, Claim 1, and Claims 2-7 and 17 dependent therefrom, are patentable.

Claims 8-14 and 16

Claim 8 recites a cooling/heating element in the lower reservoir and Applicant submits that this element is not taught or suggested by the combination of the '004 patent, Burrows and Mudra et al. Please see the arguments above explaining the patentability of Claim 1 and the lack of teaching of the cooling/heating element in the lower reservoir. Also, Applicant relies on the arguments made *supra* regarding the improper combination of the '004 patent, Burrows and Mudra et al. Specifically, the dispenser recited in Claim 8 is patentable because there was a long-felt need for a beverage dispenser with filtration capacity and a cooling/heating element. Also, refer to the arguments relating to the positioning of the filter in Claim 1 and the fact that previous dispensers taught away from this arrangement.

The Rejection of Claim 15 Under 35 USC §103(a)

Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,192,004 ('004 patent) in view of U.S. Patent No. 5,072,590 (Burrows) and U.S. Patent No. 5,536,396 (Mudra et al.), and in further view of U.S. Patent No. 4,940,164 (Hancock et al.). Applicant respectfully traverses this rejection and requests reconsideration.

Applicant submits that since Claim 8 is patentable over the combination of the '004 patent, Burrows and Mudra et al., and Hancock et al. fails to cure the deficiencies of that combination, Claim 8 is patentable over combination of the '004 patent, Burrows, Mudra et al. and Hancock et al. Therefore, Claim 15 is patentable over that same combination due to its dependency on Claim 8. Applicant requests withdrawal of the rejection.

The Rejection of Claim 20 Under 35 USC §103(a)

Claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,072,590 (Burrows) and in view of U.S. Patent No. 5,536,396 (Mudra et al.), and in further

view of U.S. Patent No. 4,940,164 (Hancock et al.). Applicant respectfully traverses this rejection and requests reconsideration.

Applicant submits that since Claim 18 has been proven to be patentable over the combination of Burrows and Mudra et al., and Hancock et al. fails to cure the deficiencies of the combination, Claim 18 is patentable over the combination of Burrows, Mudra et al. and Hancock et al. Specifically, the combination of Burrows, Mudra et al. and Hancock et al. fails to teach or suggest a beverage dispenser with an upper reservoir operatively arranged to be manually filled, and that has a removable lid that covers the upper reservoir. Therefore, Claim 20 is patentable over that same combination due to its dependency on Claim 18.

Conclusion

Applicant respectfully submits that the present application is now in condition for allowance, which action is courteously requested. The Examiner is invited and encouraged to contact the undersigned attorney of record if such contact will facilitate an efficient examination and allowance of the application.

Respectfully submitted,

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